

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
KLAUBER BROS., INC. :  
: Plaintiff, :  
: : 20-cv-1672 (JSR)  
: -v- :  
: : ORDER  
TARGET CORP., et al., :  
: Defendants. :  
: :  
-----x  
JED S. RAKOFF, U.S.D.J.

Plaintiff Klauber Brothers, Inc. ("Klauber") filed its complaint in this action on February 25, 2020 against five named defendants and ten unnamed Doe defendants, alleging that the defendants infringed Klauber's copyrights in certain lace designs used in garments. Klauber previously sought to voluntarily dismiss its claims against three of the five named defendants, which requests the Court granted.

On November 13, 2020, Klauber and one of the two remaining named defendants, Notations, Inc., filed a stipulation of voluntary dismissal by which they agreed that Klauber's claims against Notations, Inc. would be dismissed with prejudice. The stipulation states, "Per Fed. R. Civ. P. 41(a)(1)(A), no order is required on this dismissal." ECF No. 61. The Court disagrees. The stipulation does not dismiss the action as against a defendant who has not answered, see Fed. R. Civ. P. 41(a)(1)(A)(i), and it is not signed by all remaining parties who have appeared, see Fed.

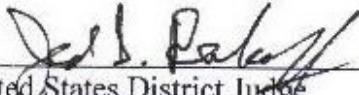
R. Civ. P. 41(a)(1)(A)(ii). Nevertheless, the Court has authority to dismiss the action on terms the Court considers proper. See Fed. R. Civ. P. 41(a)(2). The Court approves the parties' joint stipulation and dismisses the action with prejudice as against Notations, Inc.

As to the final remaining named defendant, Assael Miller Clothing Company, LLC, the parties notified the Court on October 23, 2020, that they had reached a settlement and requested 60 days to perform their respective obligations under the settlement agreement.<sup>1</sup>

For the foregoing reasons, the case is hereby dismissed with prejudice, but with leave for Klauber or Assael Miller Clothing Company, LLC to move within 30 days from the date hereof to reopen the case and proceed to trial if settlement is not fully effectuated.

SO ORDERED.

Dated: New York, NY  
November 25, 2020

  
\_\_\_\_\_  
United States District Judge

---

<sup>1</sup> Although Klauber's complaint also lists ten Doe defendants, Klauber has not amended its complaint to name these defendants and the deadline to do so has passed. See Civil Case Management Plan, ECF No. 31.